

## Board Administration and Regulatory Coordination Unit

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### Division 3. Air Resources Board

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### Chapter 5. Standards for Motor Vehicle Fuels

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### Subchapter 8. Clean Fuels Program

#### § 2307. Allocation Among Affected Owner/Lessors of the Total Number of Retail Clean Fuel Outlets.

For each year, the executive officer shall, for each designated clean fuel, make the determinations set forth in this section.

(a) *Allocation among affected owner/lessors of the number of additional retail clean fuel outlets for each year.*

For each year, the executive officer shall determine the number of additional retail clean fuel outlets that each affected owner/lessor of retail gasoline outlets is required for the first time to have in place in the state. This number shall be calculated, for each designated clean fuel, by multiplying the owner/lessor's number of non-clean fuel retail gasoline outlets (determined in accordance with section 2307(b)) by the clean fuel fraction (determined in accordance with section 2307(c)), rounded to the nearest integer using conventional rounding. If the resulting number is less than zero, the number shall be adjusted to zero.

(b) *Determination of an owner/lessor's number of non-clean fuel retail gasoline outlets.* The executive officer shall determine an owner/lessor's number of non-clean fuel retail gasoline outlets by subtracting the sum of the owner/lessor's total required minimum number of retail clean fuel outlets for all designated clean fuels in the preceding year as determined pursuant to section 2307(d), from the owner/lessor's total number of retail gasoline outlets (based on reports submitted pursuant to section 2312 and other reasonably available relevant information).

(c) *Determination of clean fuel fraction.*

For each designated clean fuel, the executive officer shall calculate the clean fuel fraction for each designated clean fuel as follows:

$$\text{Clean Fuel Fraction} = \frac{\text{Total Number of Retail Clean Fuel Outlets}}{\text{Number of Non-Clean Fuel Outlets Owned by All Affected Owner/Lessors}}$$

Where: Total Additional Number of Retail Clean Outlets is the total number of additional retail clean fuel outlets required for the year for the particular clean fuel in accordance with section 2304(b).

Number of Non-Clean Fuel Outlets Owned by All Affected Owner/Lessors is calculated by subtracting the sum of the required retail outlets determined in accordance with section 2304(a) for all clean fuels from the sum of the number of retail gasoline outlets owned or leased by all of the affected owners and lessors estimated by the executive officer based on the reports submitted pursuant to section 2312 and other reasonably available relevant information.

(d) Determination of each owner/lessor's total required minimum number of retail clean fuel outlets for each clean fuel for each year.

For each year, each owner/lessor's required minimum number of retail clean fuel outlets for each designated clean fuel in the state shall consist of the number of additional retail clean fuel outlets that the owner/lessor is required for the first time to have in place in the year as determined in accordance with section 2307(a), added to the sum of the numbers of additional retail clean fuel outlets required of the owner/lessor for the first time in each of the previous years as determined in accordance with section 2307(a). The required minimum number of an owner/lessor's retail clean fuel outlets for each designated clean fuel in a year shall not be less than the required minimum number of such outlets for the previous year, except that there shall be no required minimum number of outlets for a designated clean fuel in any year for which the number of vehicles estimated by the executive officer pursuant to section 2303(b) is less than 20,000.

(e) *Notification of owner/lessors.*

At least fourteen months before the start of each year, the executive officer shall notify each affected owner/lessor in writing of the owner/lessor's required minimum number of clean fuel outlets for each designated clean fuel for the year. The written notification shall include a detailed analysis of how the number was derived.

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NOTE: Authority cited: Sections 39600, 39601, 39667, 43013, 43018 and 43101, Health and Safety Code; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 39667, 43000, 43013, 43018 and 43101, Health and Safety Code; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). §2307. Allocation Among Affected Owner/Lessors of the Total Number of Retail Clean Fuel Outlets.